

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY PRAGUE IMMEDIATE

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E.O. 11652: N/A

TAGS: EFIN, PFOR, CZ

SUBJECT: APPEALS COURT DISMISSES LAWSUIT

1. ON DECEMBER 8 DEPARTMENT OF JUSTICE INFORMED US THAT ON DECEMBER 3 UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT SUMMARILY DISMISSED THE SUIT BY LESLIE LOGAN ET AL V. THE SECRETARY OF STATE ET AL. RE CZECH GOLD. DISMISSAL IN EFFECT AFFIRMS THE DECISION OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.

2. APPELLATE COURT DECISION DOES NOT AS YET FINALIZE THE MATTER. APPELLANTS HAVE LEGAL RIGHT TO PETITION APPELLATE COURT WITH VARIOUS MOTIONS FOR ORAL ARGUMENT, RECONSIDERATION, ETC. AFTER EXHAUSTION OF ALL MOTIONS BEFORE APPELLATE COURT, APPELLANTS CAN SEEK WRIT OF CERTIORARI FROM SUPREME COURT OF THE UNITED STATES. WE DO NOT KNOW AT THIS TIME WHETHER APPELLANTS WILL AVAIL THEMSELVES OF ANY FURTHER APPEALS.

3. IN THE EVENT NO MOTIONS ARE FILED WITH THE COURT OF APPEALS, APPELLANTS HAVE 60 DAYS TO FILE WRIT OF CERTIORARI WITH SUPREME COURT. IF NO WRIT IS SOUGHT FROM SUPREME

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COURT, OR IF WRIT SOUGHT AND DENIED, CASE IS CLOSED.

IF WRIT ALLOWED, CASE WILL BE PLACED ON CALENDAR FOR FURTHER ARGUMENT AND FINAL DETERMINATION BY SUPREME COURT. IN SHORT, WE CANNOT PREDICT AT THIS TIME WHEN MATTER WILL BE ULTIMATELY DISPOSED OF.

4. FULL DECISION OF COURT OF APPEALS WILL BE POUCHED WHEN RECEIVED. WE HAVE INFORMED CZECH EMBASSY OF SUIT DISMISSAL AND OF POSSIBILITY OF APPEAL TO SUPREME COURT. AMBASSADOR JOHANES DEPARTS US EVENING OF DECEMBER 8 FOR PREVIOUSLY SCHEDULED CONSULTATIONS IN PRAGUE. ROBINSON

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